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Intellectual Property Law

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## USPTO FACSIMILE TRANSMITTAL SHEET

Page 1 of 1

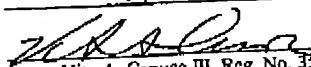
CUSTOMER NO. 20995

Docket No.: CHFT.001A

Applicant : Russell A. Houser et al.  
App. No. : 10/826,028  
Filed : April 16, 2004  
For : SIZING AND SHAPING DEVICE FOR  
TREATING CONGESTIVE HEART  
FAILURE  
Examiner : Unknown  
Group Art Unit : 3731

CERTIFICATE OF FAX TRANSMISSION  
I hereby certify that this correspondence and all  
marked attachments are being transmitted via  
facsimile to the USPTO Central Fax No. (703)  
872-9306 on the date shown below:

September 10, 2004

  
Vito A. Canuso III, Reg. No. 35,471

Transmitted herewith for filing and consideration in the above-referenced application are the following items:

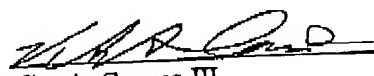
(X) Preliminary Amendment in 18 pages.

### FILING FEES:

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Total Claims minus 20; or Previously Paid	163 - 163 = 0	1202 (\$18)	0 x 9 =	\$0
Independent minus 3; or Previously Paid	17 - 17 = 0	1201 (\$86)	0 x 43 =	\$0
SUB TOTAL				\$0
The present application qualifies for Small Entity status under 37 CFR § 1.27. Fee reduced by 1/2.				(\$0)
TOTAL FEE DUE				\$0

(X) Total pages in transmission: 20

The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 11-1410.

  
Vito A. Canuso III  
Registration No. 35,471  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

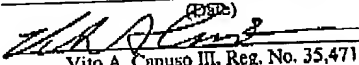
LXK-2081:zb 091004

Docket No.: CHFT.001A

Customer No.: 20,995

AMENDMENT / RESPONSE TRANSMITTAL

Applicant : Russell A. Houser et al.  
 App. No. : 10/826,028  
 Filed : April 16, 2004  
 For : SIZING AND SHAPING DEVICE  
 FOR TREATING CONGESTIVE  
 HEART FAILURE  
 Examiner : Unknown  
 Art Unit : 3731

CERTIFICATE OF FAX TRANSMISSION  
 PTO CENTRALIZED FAX  
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 (703) 872-9306 on the date shown below:  
 September 10, 2004  
  
 Vito A. Canuso III, Reg. No. 35,471

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Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

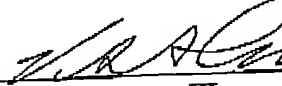
Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Preliminary Amendment in 18 pages.
- (X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.

The fee has been calculated as shown below:

FEE CALCULATION					
FEE TYPE			FEE CODE	CALCULATION	TOTAL
Total Claims	163	- 163 = 0	2202 (\$9)	0 x 9 =	\$0
Independent Claims	17	- 17 = 0	2201 (\$43)	0 x 43 =	\$0
				<b>TOTAL FEE DUE</b>	<b>\$0</b>

- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

  
 Vito A. Canuso III  
 Registration No. 35,471  
 Attorney of Record  
 Customer No. 20,995  
 (949) 760-0404

TXK-2080:sb 091004

CHFT.001A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

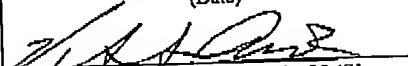
Applicant : Russell A. Houser et al.  
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September 10, 2004

(Date)

  
 Vito A. Canuso III, Reg. No. 35,471

PRELIMINARY AMENDMENT

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Commissioner for Patents  
 P.O. Box 1450  
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Dear Sir:

Preliminary to examination on the merits, please amend the application as follows.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4

of this paper.

Remarks/Arguments begin on page 18 of this paper.